

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 344

AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 32-8-40 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 40. Sale of Abandoned Watercraft

Sec. 1. As used in this chapter, "marina operator" means a person, a firm, a corporation, a limited liability company, a municipality, or another unit of government that is engaged in the business of operating a marina.

Sec. 2. A marina operator may:

- (1) sell a watercraft that has been left without permission at the marina for more than six (6) months; and
- (2) recover the operator's reasonable maintenance, repair, dockage, storage, and other charges if the conditions described in section 3 of this chapter are met.

Sec. 3. The minimum six (6) month period described in section 2 of this chapter begins the day written notice is sent by the marina operator to the last known address of the owner of the watercraft or personally delivered to the owner of the watercraft. If the notice is mailed, the marina operator shall send notice by certified mail, return receipt requested. Notice, by mail or personally delivered, must include a description of the watercraft and a conspicuous statement that the watercraft is at the marina without permission



C
o
p
y

of the marina.

Sec. 4. The marina operator shall:

(1) perform a search of watercraft titles for the name and address of the owner of the watercraft and the name and address of any person holding a lien or security interest on the watercraft. The marina operator shall conduct the search required by this subdivision in the following order:

(A) First, in the records of the state of registration as indicated on the exterior of the watercraft.

(B) Second, in the United States Coast Guard registration records maintained by the National Vessel Documentation Center.

(C) Third, in the records of the bureau of motor vehicles.

(2) after receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the watercraft, to any lien holder with a perfected security interest in the watercraft, and to all other persons known to claim an interest in the watercraft. The notice must include an itemized statement of the charges, a description of the watercraft, a demand for payment within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the charges are paid within that time, the watercraft will be advertised for sale and sold by auction at a specified time and place;

(3) advertise that the watercraft will be sold at public auction in conformity with the provisions of IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the watercraft has been left without permission. The advertisement must include a description of the watercraft, the name of the person on whose account the watercraft is being held, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale;

(4) conduct an auction sale, not less than thirty (30) days after the return receipt is received by the marina operator, on the marina property where the watercraft was left without

C
o
p
y



permission;

(5) provide a reasonable time before the sale for prospective purchasers to examine the watercraft;

(6) sell the watercraft to the highest bidder; and

(7) immediately after the auction sale, execute an affidavit of sale in triplicate on a form prescribed by the bureau of motor vehicles stating:

(A) that the requirements of this section have been met;

(B) the length of time that the watercraft was left on the marina property without permission;

(C) the expenses incurred by the marina operator, including the expenses of the sale;

(D) the name and address of the purchaser of the watercraft at the auction sale; and

(E) the amount of the winning bid.

Sec. 5. Upon payment of the bid price by the purchaser, the marina operator shall provide the purchaser with the affidavit of sale described in this chapter.

Sec. 6. The affidavit of sale under this chapter constitutes proof of ownership and right to possession under IC 9-31-2-16.

Sec. 7. After the purchaser:

(1) presents the bureau of motor vehicles with the affidavit of sale;

(2) completes an application for title; and

(3) pays any applicable fee;

the bureau shall issue to the purchaser a certificate of title to the watercraft.

Sec. 8. If a boat is sold under this chapter for an amount of money that is greater than the charges owed to the marina operator plus all reasonable expenses of sale, the marina operator shall pay the excess in the following order:

(1) For the satisfaction of obligations held by secured parties with respect to the watercraft, in the order in which security interests in the watercraft were perfected.

(2) To the owner of the watercraft.

SECTION 2. [EFFECTIVE JULY 1, 2001] This chapter applies to all watercraft located on the property of a marina after January 1, 2001.

C
o
p
y



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

C
o
p
y

SEA 344 — Concur+

